

Message Text

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PAGE 01 BRASIL 06474 231758Z

22

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00 L-03 /027 W

----- 125536

R 231710Z JUL 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 6964

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

LIMITED OFFICIAL USE BRASILIA 6474

E.O. 11652: N/A

TAGS: EAIR, BR

SUBJ: CIVAIR: FUEL TAX EXEMPTION

REF: (A) BRASILIA 6473, (B) BRASILIA 5805, (C) BRASILIA 5081

1. FURTHER TO REFTEL (A), IT APPEARS LIKELY THAT CERNAI WILL FORWARD TO FONMIN IN SOME FORM THE RECOMMENDATION THAT FUEL TAX ISSUE BE DEALT WITH VIA A BILATERAL CON NON-SKEDS ON THE GROUNDS THAT WITHOUT AN INTERNATIONAL AGREEMENT FUEL TAX EXEMPTION FOR NON-SKEDS WOULD REQUIRE CHANGE IN BRAZILIAN LAW. CERNAI'S PRESENT LEADERSHIP SEEMS TO BE ATTRACTED BY THE IDEA OF A COMPREHENSIVE CHARTER AGREEMENT PROVIDING A FRAMEWORK FOR ROUTES AND FREQUENCIES AND THEREBY THE APPROVAL OR DISAPPROVAL OF SPECIFIC CHARTER FLIGHOWFLV EMBASSY HADTSARLIER INDICATION OF FONMIN'S RECEPTIVITY TO THIS APPROACH AS REPORTED IN REFTEL (C).

2. PROSPECTIVE BRAZILIAN RESPONSE RAISES QUESTION WHETHER COMPREHENSIVE BILATERAL WOULD BE PREFERABLE TO PRESENT FLUID SITUATION OF AD HOC APPROVALS UNDER WHICH NON-SKEDS HAVE BEEN ABLE TO WORK OUT THEIR PROBLEMS ON A CASE-BY-CASE BASIS AND, IN THE END, HAVE NOT DONE TOO BADLY. WE WOULD SEE POSSIBLE MERIT IN THE IDEA IF WE COULD BE SURE THAT GENEROUS PROVISIONS COULD BE WORKED OUT THUS ASSURING

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PAGE 02 BRASIL 06474 231758Z

NON-SKEDS OF SUBSTANTIAL RIGHTS IN TERMS OF ROUTES AND

FREQUENCIES. BUT IF, AS SEEMS VERY LIKELY, CERNAI WILL PUSH FOR RESTRICTIVE AGREEMENT, SUCH AN APPROACH MIGHT WELL WORK OUT TO NON-SKEDS DISADVANTAGE. MORE BASICALLY, WE DO NOT KNOW, OF COURSE, THE NATURE OF THE AGREEMENT CERNAI HAS IN MIND AND ITS COMPATIBILITY WITH BASIC PRINCIPLES OF U.S. AVIATION POLICY.

3. EMBASSY WOULD APPRECIATE AS SOON AS POSSIBLE DEPARTMENT'S PRELIMINARY COMMENTS ON THE MERITS OF A BILATERAL IN PREPARATION FOR AN INITIAL RESPONSE TO A GOB SUGGESTION. ALSO, WE NISUME DEPARTMENT WILL WISH TO CONSULT WITH TIA AND WORLD AIRWAYS IN ORDER TO WEIGH ADVANTAGES AND DISADVANTAGES OF A BILATERAL VERSUS THE PRESENT FLUID SITUATION.

CRIMMINS

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